

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. 1:12-CR-435-1
	§	
TOMAS YARRINGTON RUVALCABA	§	

JOINT MOTION FOR AMENDED JUDGMENT

NOW COME, TOMAS YARRINGTON RUVALCABA, Defendant herein, through his counsel Chris Flood, and the United States, through its counsel Assistant United States Attorney James Sturgis, and file this Joint Motion for Amended Judgment.

Mr. Yarrington was sentenced by this Court on March 15, 2023. Dkt. Nos. 203, 204. At the sentencing, the Court and all parties agreed that Mr. Yarrington's detention on this matter began on April 9, 2017, when he was arrested in Italy. Ex. A, 12:11-20 (transcript of sentencing). The date of Mr. Yarrington's initial arrest was not reflected in the Court's written order. Dkt. No. 203. The Bureau of Prisons Designation & Sentence Computation Center has not credited Mr. Yarrington's time served from April 9, 2017, and indicated it will not do so without a written statement from the Court that the arrest in Italy was regarding this case. Ex. B (BOP sentence computation). Accordingly, the parties move the Court to amend its written judgment to state that Mr. Yarrington was first arrested in this matter on April 9, 2017. Ex. A, 12:11-20.

Mr. Yarrington and the United States are not asking the Court to calculate his time served, as that is the prerogative of the Bureau of Prisons. *United States v. Wilson*, 503

U.S. 329, 333 (1992). The parties are also not asking the court to modify his sentence. The parties move the Court only to amend its judgment to give the factual basis the time of his initial arrest in this case as was stated during the sentencing hearing but was not included in the Court's written order. *See* Fed. R. Crim. P. 36 (permitting correction of an omission in a written judgment "at any time"); *United States v. Ramirez*, 344 F.3d 247, 255 (2d Cir. 2003) (requiring written order to conform with oral sentencing pronouncement).

Respectfully submitted,

/s/ Chris Flood

Chris Flood

Federal I.D. No. 9929

Email: chris@floodandflood.com

FLOOD & FLOOD

914 Preston at Main, Suite 800

Houston, TX 77002

(713) 223-8877

(713) 223-8879 fax

ATTORNEY FOR DEFENDANT

-and-

UNITED STATES OF AMERICA

/s/ James Sturgis*

James Sturgis

Assistant U.S. Attorney

Southern District of Texas

1701 W. Hwy 83, Ste 600

McAllen, Texas 78501

(956) 992-9359

ATTORNEY FOR THE UNITED STATES

*E-signed with permission

/s/ Chris Flood

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2023, I electronically filed the foregoing document with the Clerk of Court using CM/ECF system which will send notification of such filing to all filing users.

/s/ Chris Flood

Chris Flood